

ARTICLE 1.5. REFUSE DISPOSAL ACT;
SOLID WASTE MANAGEMENT PERMITS;
INDUSTRIAL WASTE HAULER PERMITS

**Rule 1. Solid Waste Management;
Purpose and General Standards**

329 IAC 1.5-1-1 Purpose of rule

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-1-2; IC 13-7-10-1; IC 19-2-1-3

Sec. 1. The purpose of this rule (329 IAC 1.5) is to provide standards for approval of refuse processing and disposal facilities as required by IC 36-9-30-4 of the Refuse Disposal Act, as amended, provide for the issuance of construction plan permits, specify minimum operating standards for such facilities, and provide for the issuance of operating permits. (*Solid Waste Management Board; 329 IAC 1.5-1-1; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-2 General standards for refuse collection and disposal

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-4-1; IC 19-2-1-4; IC 19-2-1-31

Sec. 2. Increased recovery of materials from refuse should be encouraged. Refuse disposal shall be in a manner which is not injurious to the public health or the environment.

(a) All contracts let by governmental units for refuse collection, hauling, or disposal shall specify that disposal shall be in a place and in a manner which is in accordance with this rule (329 IAC 1.5-1).

(b) No person shall dispose of refuse by open dumping or open burning.

(c) Recycling stations shall be maintained in nuisance-free condition. (*Solid Waste Management Board; 329 IAC 1.5-1-2; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-3 Unlawful use of terms

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 19-2-13

Sec. 3. It shall be unlawful for any refuse disposal facility to have the terms "sanitary landfill" or "landfill" in advertising or on signs unless such a facility holds a valid operating permit under this rule (329 IAC 1.5-1) except that conditions stated in 329 IAC 1.5-9-1 shall

apply. (*Solid Waste Management Board; 329 IAC 1.5-1-3; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-4 Existing facilities; submission of applications

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-2; IC 19-2-1-3

Sec. 4. (a) Facilities existing at the time of promulgation of this rule that hold valid letters of approval from the Stream Pollution Control Board or the Indiana State Board of Health must submit complete applications for operating permits within three (3) months of the effective date of this rule (329 IAC 1.5-1).

(b) Existing facilities which do not hold valid letters of approval from the Stream Pollution Control Board or the Indiana State Board of Health must submit complete applications for construction plan permits within six (6) months of the effective date of this rule (329 IAC 1.5-1). Upon written request received within three (3) months of the effective date of this rule (329 IAC 1.5-1) the commissioner may waive certain information required by 329 IAC 1.5-3 for an existing facility. (*Solid Waste Management Board; 329 IAC 1.5-1-4; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-5 New facilities; grant of operating permit

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-2; IC 19-2-1-3

Sec. 5. No operating permit for a new facility shall be granted until all construction specified by the construction plan permit is completed, nor will any operating permit be issued for any new facility which does not hold a valid construction plan permit. (*Solid Waste Management Board; 329 IAC 1.5-1-5; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-6 Transfer of construction plan permits; application

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-2; IC 19-2-1-3

Sec. 6. Construction plan permits may be transferrable. Prior to change in ownership, an application form must be submitted to the commissioner. (*Solid Waste Management Board; 329 IAC 1.5-1-6; filed May 31, 1988,*

2:42 pm)

329 IAC 1.5-1-7 Transfer of operating permits; application

Authority: IC 13-7-6-1; IC 19-2-1-32
Affected: IC 13.7-10-2; IC 19-2.1.13

Sec. 7. Operating permits may be transferrable. Prior to change in ownership an application form must be submitted to the commissioner. (*Solid Waste Management Board; 329 IAC 1.5-1-7; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-1-8 Appeal from denial of permit transfer

Authority: IC 13.7.6-1; IC 19.2-1-32
Affected: IC 4.21.5; IC 13-7-10-2.5; IC 13-7-10-4

Sec. 8. Any person denied transfer of any permit may appeal as set out in IC 13-7-10-2.5 and IC 4-21.5. (*Solid Waste Management Board; 329 IAC 1.5-1-8; filed May 31, 1988, 2:42 pm*)

Rule 2. Solid Waste Management; Definitions

329 IAC 1.5-2-1 Definitions

Authority: IC 13-7-6-1; IC 19-2-1-32
Affected: IC 13-3-2; IC 13-7-1-2; IC 19-2-1-2; IC 36-9-30-2

Sec. 1. In addition to the definitions contained in IC 36-9-30-2 and IC 13-7, the following definitions shall apply herein, unless otherwise indicated clearly by text:

“Access roads” means roads which lead to the entrance of a refuse processing or disposal facility, normally, a county, state or federal highway.

“Aquifer” means a porous water-bearing geologic formation, such as sand, gravel, sandstone and fractured or cavernous limestone, from which water can be drawn by wells in usable quantities.

“Bedrock” means cemented or consolidated earth materials, undisturbed by erosion or weathering, exposed on the earth’s surface or underlying unconsolidated earth materials.

“Board” means the Solid Waste Management Board.

“Carcasses” means dead animal or portion

thereof.

“Cell” means a deposit of refuse, compacted and completely enveloped by cover.

“Cover” means soil which is used to bury refuse.

“Daily cover” means that cover which is placed over refuse and compacted at the end of an operating day.

“Decomposition” means the chemical or biological breakdown through time of refuse into constituent chemicals or other products.

“Decomposition gases” means gases produced by decomposition.

“Energy recovery operation” means the processing of refuse so that energy or gases may be recovered.

“Facility” means, except in 329 IAC 1.5-4, any operation for the disposal or processing of refuse, including the site upon which the operation rests.

“Final cover” means cover placed and compacted over a refuse disposal area upon completion of the refuse disposal use of that area.

“Flood plain” means the area adjoining a river, stream or lake, which would be covered by floodwater from the 100-year frequency flood.

“Floodway” means the channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the 100-year frequency flood.

“Grading” means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.

“Groundwater” means water filling the pore spaces of earth materials below the water-saturated zone.

“Groundwater table” means the upper surface of the water-saturated zone.

“Hazardous wastes” means any solid or liquid waste with inherent dangers, including but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, raw animal manure, septic tank pumpings, and raw or digested sewage sludge.

“Hydrology” means the properties, distribution, and flow of water on or in the earth.

“Incinerator” means any apparatus to burn waste substances in which all the factors of combustion -- temperature, retention time, turbulence, and combustion air -- can be controlled.

“Landfill” means a sanitary landfill.

“Leachate” means liquid that has percolated through solid waste or other deposited materials and has extracted soluble or suspended substances from it.

“Lift” means a horizontal layer of cells covering a designated area of a sanitary landfill.

“Local” means city, town, county, or any district established pursuant to IC 13-3-2.

“Manually discharged vehicle” means a vehicle which must be unloaded by the physical handling of refuse by a person; for example, a pickup truck.

“Mechanically discharged vehicle” means a vehicle which unloads refuse automatically, with hydraulic devices.

“Modification” means a change in form or method of operation of any facility.

“On-site roads” means roads for the passage of vehicles from a site entrance to the working face.

“Operating personnel” means persons necessary to properly operate a refuse disposal or processing facility.

“Point of generation” means that place where a material initially becomes discarded, for processing or disposal, as refuse.

“Processing” means the method, system, or other treatment of refuse so as to change its chemical or physical form or affect it for disposal or recovery of materials, but excluding vehicles for the transportation of refuse from its point of generation.

“Recycling station” means a facility for the storage of separated solid wastes prior to transportation to markets.

“Refuse disposal” means the permanent or semi-permanent placement of refuse in any location.

“Refuse handling equipment” means equipment used for the processing or disposal of refuse.

“Resource recovery plant” means any facility which has as at least one of its purposes the processing of refuse into commercially valuable materials or energy.

“Salvaging” means the controlled removal of materials from refuse for utilization.

“Sanitary landfill” means an engineering method of disposing of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with compacted soil at the end of each working day.

“Scavenging” means the uncontrolled removal of materials from refuse.

“Sludge” means a semi-liquid sediment.

“Soil borings” means the drilling of holes in the earth for the purpose of identifying soil types, sub-surface materials, and groundwater table level.

“Surface water” means water present on the surface of the earth, including: streams, lakes, ponds, rivers, swamps, marshes, or rainwater present on the earth.

“Transfer station” means a facility for the acceptance, holding, and loading of refuse into a vehicle for movement to a processing or disposal facility, excluding stationary compactors and collection containers.

“Vector” means any living animal capable of harboring and transmitting microorganisms from one animal to another animal or a human.

“Water course” means the path taken by flowing surface waters.

“Water table” means groundwater table.

“Working face” means that portion of a sanitary landfill where refuse is discharged from collection trucks and is compacted prior to placement of cover material.

(Solid Waste Management Board; 329 IAC 1.5-2-1; filed May 31, 1988, 2:42 pm)

Rule 3. Solid Waste Management; State Permits for Construction of Sanitary Landfill Facilities

329 IAC 1.5-3-1 Permit required for construction

Authority: IC 13-7-8-1; IC 19-2-1-32

Affected: IC 13-7-4-1; IC 13-7-10-1; IC 19-2.1.2

Sec. 1. No person shall cause or allow the construction of sanitary landfill facilities without a valid construction plan permit issued by the commissioner. *(Solid Waste Management*

Board; 329 IAC 1.5-3-1; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-3-2 Application for construction permit; time for submission

Authority: IC 13-7-8-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 2. Complete applications for construction plan permits for constructing sanitary landfill facilities must be made on forms provided by the commissioner and must be submitted together with the required plans, specifications, and description of project sixty (60) days in advance of the proposed date of start of construction unless a shorter time is approved in advance by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-3-2; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-3-3 Signatures required on application

Authority: IC 13-7-4-1; IC 19-2-1-32

Affected: IC 13-7.10-1; IC 13-7-10-2

Sec. 3. Applications for a sanitary landfill construction plan permit must be signed by the person preparing the accompanying plans, specifications, and description of project. Applications must also be signed by the owner and the person who shall be responsible for the quality of operation, affirming that such person shall adhere to the method of operation specified in the plans, specifications and description of project, and any conditions included in the construction plan permit. *(Solid Waste Management Board; 129 IAC 1.5-3-3; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-3-4 Accompanying information required; plans; project description

Authority: IC 13-7.6-1; IC 19.2-1-32

Affected: IC 13.7.10.1; IC 13-7-10.2

Sec. 4. Applications for a sanitary landfill construction plan permit shall be accompanied by two (2) copies of the following g plans, specifications, description of project, and:

(1) Evidence that proper zoning has been obtained for the proposed site. Give the legal description of the site.

(2) USGS topographical quadrangle map

or maps necessary to include the proposed site and manmade and natural surface features within one (1) mile of the site. Indicate on this map any airports within five (5) miles of proposed site.

(3) A map which depicts zoning and present land use on and within one-half (1/2) mile of the proposed site. Included shall be all recorded locations of wells, sewers, culverts, drainage tiles, pipe lines, power lines, gas or oil wells, surface water, water courses, and roads.

(4) The following plot plans are to be submitted using a scale of 1 inch = 100 feet for a site of less than 80 acres or a scale of 1 inch = 200 feet for a site of 80 acres or more.

(A) A plot plan of the proposed site and adjacent areas necessary to depict listed features. This drawing shall include locations of all existing and proposed on-site roads, water courses, surface water, existing and proposed building, soil boring locations, rock outcroppings, surface water runoff direction, fencing, and present land surface con-tour at intervals of no more than five feet (5').

(B) A second plot plan to include land surface contours at intervals of no more than five feet (5'); storm water drainage during operation; portions of the site where refuse will be deposited, showing method of operation and direction it will proceed; depth, length, and width of trenches, if used; depth of lifts and size of working face; portions of the site to be used only acquisition of cover soil.

(C) A third plot plan to include final land surface contours at intervals of two feet (2'), surface water runoff direction, and storm water drainage after completion of the operation.

(5) Geological cross-sectional drawings of the legal section or sections from the plat book within which the proposed landfill site is located, showing types of materials from the ground surface down to and including bedrock, depth to water table, and present and final topographies: one (1) north-south and one (1) east-west drawing must be submitted. Describe the geologic origins of all earth materials and document the sources of information.

(6) A drawing of proposed sign or signs,

indicating size and legend, as required by 329 IAC 1.5-5-11(d).

(7) Cross-sectional drawings showing proposed construction of on-site all-weather roads.

(8) Reports of soils, groundwater, and geology, including the following:

(A) Through consultation with the office of Solid Waste Management, the number and types of soil borings to be taken at each proposed site will be determined. All borings are to be taken to a depth of at least twenty feet (20') below the lowest level of proposed excavation or refuse filling operation or to bedrock, whichever is shallower.

(B) Logs of all borings are to include particle size distribution for the entire depth of the boring, indication of zones of saturation and measured water level immediately after boring is made and after twenty-four (24) hours.

(C) Samples from the borings taken on the proposed sanitary landfill site are to be tested for permeability, compactability, and ion exchange properties of the subsurface materials for those strata which are essential to the design of the landfill. Samples are to be held until the construction plan permit is issued.

(D) Boring information for all wells located within one-fourth (1/4) mile of the proposed site which have been recorded with the Department of Natural Resources.

(E) A soils map and related descriptive data, as published by the U.S.D.A., Soil Conservation Service, or as determined by a qualified agency or individual using the Unified Soil Classification System.

(9) Where specified, groundwater monitoring wells shall be established around the perimeter of the landfill site; the exact number, locations depth, construction method and sampling frequency are to be determined in consultation with the commissioner or the commissioner's designated agent.

(10) A narrative describing the proposed operation, including:

(A) Population and areas expected to be served by the proposed site.

(B) Anticipated quantity, types, and sources of materials to be deposited.

(C) Name and address of party responsible for quality of operation and maintenance of the proposed site.

(D) Thickness of daily cover to be applied.

(E) Thickness of final cover to be applied.

(F) Source and type of cover material, for daily and final cover.

(G) The equipment to be used for placement and compaction of all refuse, excavation of soil, moving of stockpiled soil; and application of soil to compacted refuse.

(H) The provisions to be made to have backup equipment available.

(I) Winter and inclement weather operating procedures.

(J) Procedures for handling of bulky refuse such as refrigerators, stoves, tree trunks, tires, fence wire, etc.

(K) The number of operating personnel on-site and the operating records to be kept.

(L) The anticipated cost of site preparation.

(M) The supervision that is planned.

(N) Procedures for handling of blowing paper.

(O) Procedures for dust control.

(P) Procedures to be used to avoid open burning.

(Q) Indicate 100-year frequency flood level in the vicinity of this site. Construction in the 100-year flood way must have approval of the Natural Resources Commission in addition to approval by the commissioner. Plans should be submitted simultaneously to both agencies.

(R) Details of salvage operations, if planned, to include frequency of removal and party responsible for hauling salvaged materials.

(S) Equipment maintenance facilities.

(T) Proposed methods of control for rodents, flies, mosquitoes, and other vectors.

(U) Distance from the site to the nearest dwelling.

(V) Safety equipment and hygienic

facilities for employees.

(W) Proposed leachate control measures.

(X) Proposed land use after completion of project.

(Y) Assessment of need for groundwater monitoring wells.

(Z) Distance between successive trenches, where the trench method is to be used.

(AA) Assessment of need for gas control and indication of location and design of vents or other control measures to be provided.

(Solid Waste Management Board; 329 IAC 1.5-3-4; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-3-5 Issuance determination; appeal of denial

Authority: IC 13-7.6.1; IC 19-2-1-32

Affected: IC 4-21.5; IC 13-7-10-2; IC 13.7-10-4

Sec. 5. Upon completion of review of the submitted application and accompanying materials, the commissioner shall make a determination of the acceptability of the site and proposed operation with regard to protection of the public health and environment. If the finding is favorable, a construction plan permit will be issued. If the finding is unfavorable, a notice of permit denial will be issued. Appeal shall be as set out by IC 13-7-10 and IC 4-21.5. *(Solid Waste Management Board; 329 IAC 1.5-3-5; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-3-6 Amendment of plan; approval required

Authority: IC 13-7.6.1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 6. Any deviation from an approved plan shall first require approval by the commissioner or the commissioner's designated agent for an amendment to the construction plan permit. *(Solid Waste Management Board; 329 IAC 1.5-3-6; filed May 31, 1988, 2:42 pm)*

Rule 4. Solid Waste Management; State Permits for Construction of Refuse Processing Facilities

329 IAC 1.5-4-1 Definition of "facilities"

Authority: IC 13.7-6.1; IC 19-2-1-32

Affected: IC 13-7-1-2; IC 13-7-10-1

Sec. 1. In 329 IAC 1.5-4, "facilities" shall mean all equipment, buildings, or other features of a project necessary to conduct the processing of refuse. Excluded are containers utilized for refuse collection and stationary compactors. *(Solid Waste Management Board; 329 IAC 1.5-4-1; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-4-2 Construction permit required

Authority: IC 13-7.6-1; IC 19-2-1-32

Affected: IC 13-7-4-1; IC 13-7-10-1

Sec. 2. No person shall cause or allow the construction of facilities for the operation of incinerators with a design capacity which exceeds thirty (30) tons per day, transfer stations, resource recovery plants, or energy recovery operations without a construction plan permit issued by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-4-2; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-4-3 Application for construction permit; time for submission

Authority: IC 13.7.6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 3. Complete applications for construction plan permits to construct refuse processing facilities must be made on forms provided by the commissioner and must be submitted together with the required plans, specifications, and/or description of project sixty (60) days in advance of the date of start of construction unless a shorter time is approved in advance by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-4-3; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-4-4 Proper zoning requirement

Authority: IC 13-7.6-1; IC 19-2-1-32

Affected: IC 13.7-10-1; IC 13-7-10-2

Sec. 4. Applications for permits under 329 IAC 1.5-4 shall be accompanied by evidence that proper zoning has been obtained for the proposed site. *(Solid Waste Management Board; 329 IAC 1.5-4-4; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-4-5 Signatures required on application

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 5. Applications for construction plan permits for the construction of refuse processing facilities must be signed as specified in 329 IAC 1.5-3-3. (*Solid Waste Management Board; 329 IAC 1.5-4-5; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-6 Approval by air pollution control agency; accompanying information required

Authority: IC 13.7.6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 6. Applications for construction plan permits for the construction of an incinerator, the design capacity of which exceeds thirty (30) tons per day, must be accompanied by evidence of approval of the air pollution control devices of the incinerator by the Air Pollution Control Board, or by a designated local air pollution control agency, and by a description of the proposed site and method of disposal of incinerator residue. In addition, plans, specifications and a description of all refuse handling equipment and facilities must be submitted with the applications. (*Solid Waste Management Board; 329 IAC 1.5-4-6; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-7 Transfer stations; application for construction permit

Authority: IC 13-7-6-1; IC 19.2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 7. Applications for construction plan permits for construction of a transfer station must be accompanied by complete plans, specifications, and description of the project, including a land use map of the locations and surrounding area in a radius of five (5) miles, a map of the drainage and sewer system serving the construction site, the anticipated sources of incoming solid waste, and destination of solid waste leaving the transfer station. (*Solid Waste Management Board; 329 IAC 1.5-4-7; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-8 Resource recovery plant; application for construction permit

Authority: IC 13-7.6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 8. Applications for construction plan permits for construction or modification of a resource recovery plant, including energy recovery operations, must be accompanied by complete plans, specifications and a description of facilities. (*Solid Waste Management Board; 329 IAC 1.5-4-8; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-9 Additional processes or techniques; construction permits

Authority: IC 13.7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 9. In order to promote the development of solid waste management technology, the commissioner may issue construction plan permits for processes or techniques other than those specified in 329 IAC 1.5-3 and 329 IAC 1.5-4-5 through 329 IAC 1.5-4-7. (*Solid Waste Management Board; 329 IAC 1.5-4-9; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-10 Issuance determination; appeal of denial

Authority: IC 13-7.6-1; IC 19-2-1-32

Affected: IC 4-21.5; IC 13.7-10-2.5

Sec. 10. Upon completion of review of the submitted application and accompanying materials, the commissioner shall make a determination of the acceptability of the proposed project with regard to protection of the public health and environment. If the finding is favorable, a construction plan permit for the facility will be issued. If the finding is unfavorable, a notice of permit denial will be issued. Appeal shall be as set out by IC 13-7-10-2.5 and IC 4-21.5. (*Solid Waste Management Board; 329 IAC 1.5-4-10; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-4-11 Amendment of plan; approval required

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-2

Sec. 11. Any deviation from an approved plan shall first require approval by the commissioner or its designated agent of an

amendment to the construction plan permit. (*Solid Waste Management Board; 329 IAC 1.5-4-11; filed May 31, 1988, 2:42 pm*)

Rule 5. Solid Waste Management;
State Permits for Operation of a Sanitary
Landfill

329 IAC 1.5-5-1 Permit required for operation

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-74-1; IC 13-7-10, IC 19-2-1-3

Sec. 1. No person shall cause or allow the operation of a sanitary landfill without a valid operating permit issued by the commissioner. (*Solid Waste Management Board; 329 IAC 1.5-5-1; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-5-2 Construction permit required for issuance of operating permit

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 2. No application for an operating permit for a new sanitary landfill will be accepted unless that sanitary landfill holds a valid construction plan permit, except that an application for an operating permit may be submitted at the same time as an application for a construction plan permit. (*Solid Waste Management Board; 329 IAC 1.5-5-2; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-5-3 Application forms; time for submission

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 3. Complete applications for operating permits for sanitary landfills must be made on forms provided by the commissioner at least sixty (60) days prior to the proposed initial date of operation unless a shorter time is approved in advance by the commissioner. (*Solid Waste Management Board; 329 IAC 1.5-5-3; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-5-4 Signatures required on application

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 4. Application for an operating permit for a sanitary landfill must be signed by the owner and the person who shall be responsible for the quality of operation, affirming that such person shall adhere to the method of operation specified in the plans, specifications, and description of project, and shall maintain operational quality at or above the standards set by 329 IAC 1.5-5. (*Solid Waste Management Board; 329 IAC 1.5-5-4; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-5-5 General operating standards

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 19-2-1-3

Sec. 5. Sanitary landfill operations must conform to the following minimum general standards of operation:

(1) All on-site roads shall be passable by vehicles, including automobiles, regardless of weather.

(2) Any shelter or sanitary facilities provided shall be constructed in accordance with the requirements of the department for such construction.

(3) Feeding of cattle, hogs, poultry or other animals at the landfill site is prohibited.

(4) No refuse deposit shall be made nearer than six hundred feet (600') to any dwelling without written consent of the occupant and owner of the dwelling.

(*Solid Waste Management Board; 329 IAC 1.5-5-5; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-5-6 Minimum water quality standards

Authority: IC 13-1-3-7; IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-1-3-7; IC 13-7-7-5; IC 13-7-8.5-5

Sec. 6. Sanitary landfill operations must conform to the following minimum water quality standards:

(1) Where groundwater monitoring wells are deemed necessary by the commissioner, the sampling frequency will be specified. Tests performed on groundwater samples shall include COD, pH, Fe, Cl, conductivity and other tests deemed necessary by the commissioner.

(2) Surface water courses and runoff shall

be diverted from the sanitary landfill by trenches and proper grading. The sanitary landfill shall be constructed and cover material graded and seeded so as to promote rapid surface water runoff without excessive erosion. Regrading shall be done as required during operation and after completion to avoid pending and to maintain cover thickness.

(3) In no case shall solid waste be deposited within an aquifer. A barrier of undisturbed soil shall be maintained between the lowest portion of deposited refuse and the aquifer of a thickness to be determined by the commissioner based upon permeability and ion exchange properties.

(Solid Waste Management Board; 329 IAC 1.5-5-6; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-5-7 Open burning prohibited

Authority: IC 13-7-6-1; IC 19-2.1-32

Affected: IC 13-7-4-1; IC 19-2-1-31

Sec. 7. Open burning of solid wastes is prohibited. *(Solid Waste Management Board; 329 IAC 1.5-5-7; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-8 Aesthetic requirements

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 8. A sanitary landfill shall at all times be operated in an aesthetically acceptable manner.

(1) Portable litter fences or other devices shall be used in the immediate vicinity of the working face and other locations to control blowing litter. Windblown materials must be collected and buried daily.

(2) Access to the site shall be controlled and shall be by established roadways only. The sanitary landfill shall be accessible only when operating personnel are on duty. Large containers may be placed outside the site entrance so that users can deposit waste after hours; the large containers and areas around them shall be maintained in a sanitary and litter-free condition.

(3) Vegetation shall be cleared only as necessary. Natural windbreaks, such as green belts, shall be maintained where they will improve the appearance and operation of the sanitary landfill.

(4) A sign of at least sixteen (16) square feet shall be erected at the site entrance identifying the operation, stating operating schedule, fees, and construction plan and operating permit numbers.

(5) Salvaged materials must be stored in transportable containers or in buildings while awaiting removal from the site. In no instance shall salvaged materials be allowed to accumulate on the ground.

(6) On site roads shall be constructed in such a way as to minimize the tracking of mud or soil material onto public highways, or the operator shall maintain the equipment required to remove any mud or soil materials which are tracked onto the public highway. Policing of litter on roads upon the site shall be the responsibility of the owner and operator of that landfill.

(Solid Waste Management Board; 329 IAC 1.5-5-8; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-5-9 Decomposition gases; control

Authority: IC 13-7-6-1; IC 19.2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 9. Decomposition gases generated within a sanitary landfill shall be controlled on-site. Decomposition gases shall not be allowed to migrate laterally from the sanitary landfill site, nor allowed to concentrate in a manner that will pose an explosion or toxicity hazard. *(Solid Waste Management Board; 329 IAC 1.5-5-9; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-10 Elimination of vectors

Authority: IC 13-7-6-1; IC 19.2-1-32

Affected: IC 13-7.10-1; IC 13-7-10-2

Sec. 10. Effective means shall be taken to prevent the harboring, feeding or breeding of vectors. The presence of adult flies, roaches, mosquitoes, rodents and the immature stages of these and other vectors is inimical to public health. Effective control shall be indicated by the absence of fly larvae, nymphs of roaches, larval mosquitoes, and all other immature stages of vectors, as well as by the absence of mature or adult stages of vectors. *(Solid Waste Management Board; 29 IAC 1.5-5-10; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-11 Safety requirements

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7.10.1; IC 13-7-10.2

Sec. 11. A sanitary landfill shall be operated and maintained in such a manner as to protect the health and safety of personnel associated with the operation.

(1) Safety devices, including, but not limited to, roll bars and fire extinguishers shall be provided on all rolling equipment to protect the health and safety of operators.

(2) Provision shall be made to extinguish any fires in wastes being delivered to the site or which occur at the working face or within equipment or personnel facilities. Communications equipment shall be available for emergency situations.

(3) Scavenging shall be prohibited to avoid injury and to prevent interference with operations.

(4) Traffic signs shall be provided to promote an orderly traffic pattern to and from the discharge area and, if necessary, to restrict access to hazardous areas or to maintain efficient operating conditions. Manually discharged vehicles shall not hinder operation of mechanically discharged vehicles. No vehicle shall be left unattended at the working face or along traffic routes.

(Solid Waste Management Board; 329 IAC 1.5-5-11; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-5-12 Operating manual

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 12. An operating manual describing the various tasks that must be performed during a typical shift, as well as safety precautions and procedures, shall be available to employees for reference. Employees shall be instructed as to these tasks and safety precautions and procedures. *(Solid Waste Management Board; 329 IAC 1.5-5-12; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-13 Soil covering procedures

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10.2

Sec. 13. A cover of compacted soil shall be applied and compacted over all exposed solid waste by the end of each operating day. A final

cover of soil shall be applied and compacted as each area is completed.

(1) Equipment shall spread all solid waste in layers, compact the waste, and place, spread, and compact the cover material. These operations shall be on a working face slope maintained at 3:1 or steeper.

(2) All solid waste shall be covered by the end of each operating day. Daily cover shall be applied regardless of weather. The thickness of the compacted daily cover shall not be less than six inches (6").

(3) When any portion of a site reaches within two feet (2') of final elevation, compacted final cover shall be applied, not less than two feet (2') in depth. At the termination of operations at a site, final grading shall be done, and the area seeded with suitable vegetation to control erosion.

Final cover shall have a slope of not less than two percent (2%) and be without depressions that will cause ponding of water. *(Solid Waste Management Board; 329 IAC 1.5-5-13; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-14 Hazardous and special wastes; disposal regulations

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10.1; IC 13-7-10-2; IC 15-2.1-16

Sec. 14. The disposal of hazardous and special wastes must conform to the following:

(1) Under no circumstances shall hazardous wastes be accepted at a sanitary landfill unless authorized in writing by the commissioner or its designated solid waste management agent.

(2) Certain bulky wastes, such as automobiles bodies, furniture, and appliances shall be crushed on solid ground and then pushed onto the working face near the bottom of the cell or into a separate disposal area. Other bulky items, such as demolition and construction debris, tree stumps, and large timbers, shall be pushed onto the working face near the bottom of the cell or into a separate disposal area. The special areas used only for bulky wastes shall be identified on the plan for the completed site.

(3) Procedures for disposing of dead animals have been established by law, IC 15-

2.1-16. Any operation accepting carcasses shall be regraded periodically to keep water from ponding as a result of settlement.

(Solid Waste Management Board; 329 IAC 1.5-5-14; filed May 31, 1988, 2:42 pm)

329 IAC 1.5-5-15 Equipment availability

Authority: IC 13-7-6.1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 15. At all times the equipment available shall be capable of spreading and compacting the solid waste and the cover material required for the most severe combination of solid waste delivery and weather conditions expected during any one (1) operating day. Equipment manuals, catalogs, and spare parts lists shall be available at the equipment maintenance facility. *(Solid Waste Management Board; 329 IAC 1.5-5-15; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-5-16 Plans of site

Authority: IC 13-7-6.1; IC 19-2-1-32

Affected: IC 13-7-5-1; IC 13-7-10-2

Sec. 16. A set of approved plans shall be maintained on site. An up-to-date plot plan of landfill site shall be maintained on site, with areas marked as they are filled or excavated. *(Solid Waste Management Board; 329 IAC 1.5-5-16; filed May 31, 1988, 2:42 pm)*

Rule 6. Solid Waste Management; State Permits for Operation of Refuse Processing Facilities

329 IAC 1.5-6-1 Permit required for operation

Authority: IC 13-7-6.1; IC 19-2-1-32

Affected: IC 13-7.4-1; IC 13-7-10; IC 19-2-1-3

Sec. 1. No person shall cause or allow the operation of any refuse processing facility without a valid operating permit issued by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-6-1; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-6-2 Construction permit required for issuance of operating permit

Authority: IC 13-7-6.1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 2. No application for a permit to operate a refuse processing facility will be accepted unless it shall have first been issued a construction plan permit, except, provided that an application for an operating permit may be submitted at the same time as an application for a construction plan permit. *(Solid Waste Management Board; 329 IAC 1.5-6-2; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-6-3 Application forms; time for sub-mission

Authority: IC 13-7.6-1; IC 19.2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 3. Complete applications for permits to operate a refuse processing facility must be made on forms provided by the commissioner at least sixty (60) days prior to the proposed initial date of operation unless a shorter time is approved in advance by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-6-3; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-6-4 Additional processes or technology; operating permits

Authority: IC 13-7-6.1; IC 19.2.1-32

Affected: IC 13-7-10-1; IC 13-7-10.2

Sec. 4. The commissioner may grant operating permits for the operation of solid waste management processes or technology which receive construction plan permits under 329 IAC 1.5-4-9. Application for such an operating permit will be on forms provided by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-6-4; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-6-5 Signatures required on application

Authority: IC 13-7.6.1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 5. Applications for permits to operate a refuse processing facility must be signed by the person responsible for maintaining operations within the limits and quality

standards specified for that operation in this article (329 IAC 1.5) and in the approval for that plant. (*Solid Waste Management Board; 329 IAC 1.5-6-5; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-6-6 Litter-free requirement for facilities

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10.1

Sec. 6. Refuse processing facilities shall maintain the premises in a litter free condition. Overnight refuse storage areas must be enclosed. (*Solid Waste Management Board; 329 IAC 1.5-6-6; filed May 31, 1988, 2:42 PM*)

329 IAC 1.5-6-7 Incinerator residue; disposal

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-7-5; IC 13-7-10-1

Sec. 7. Incinerator residue must be disposed of in a sanitary landfill holding a valid operating permit under this rule (329 IAC 1.5-6). (*Solid Waste Management Board; 329 IAC 1.5-6-7; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-6-8 Deposit of refuse in event of facility breakdown

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2

Sec. 8. In the event of breakdown or failure of any refuse processing facility, refuse normally accepted at that facility must be deposited at a sanitary landfill holding a valid operating permit under this rule (329 IAC 1.5-6), until such time as the facility is fully operational again. (*Solid Waste Management Board; 329 IAC 1.5-6-8; filed May 31, 1988, 2:42 pm*)

Rule 7. Solid Waste Management; Duration of Permits

329 IAC 1.5-7-1 Duration of construction plan permits

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2; IC 13-7-10.5

Sec. 1. Construction plan permits shall be void two (2) years after issuance if operation as specified in the plan is not conducted. (*Solid Waste Management Board; 329 IAC 1.5-7-1;*

filed May 31, 1988, 2:42 pm)

329 IAC 1.5-7-2 Duration of operating permits

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1

Sec. 2. Operating permits shall be valid for a period of two (2) years from the effective date of the permit. (*Solid Waste Management Board; 329 IAC 1.5-7-2; filed May 31, 1988, 2:42 pm*)

Rule 8. Solid Waste Management; Renewal of Permits

329 IAC 1.5-8-1 Time for submission of renewal application

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1

Sec. 1. Complete applications for renewal of permits must be submitted at least ninety (90) days prior to the expiration date of the expiring permit. (*Solid Waste Management Board; 329 IAC 1.5-8-1; filed May 31, 1988, 2:42 pm*)

329 IAC 1.5-8-2 Evaluation of renewal application; appeal of denial

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1; IC 13-7-10-2; IC 13-7-10-2.5

Sec. 2. Evaluation of an operating permit renewal application will be based on the quality of operation during the period of the previous permit. If the standards specified in 329 IAC 1.5-5 or 329 IAC 1.5-6 have been met, the permit will be reissued.

(1) Evaluation will be based on reports of all inspections made during the evaluation period, with a minimum of eight inspections. No permit shall be renewed if the facility holding that permit has not been substantially in compliance with 329 IAC 1.5-5 or 329 IAC 1.5-6.

(2) No permit shall be renewed if, on more than one-half (1/2) of the inspections, the operation did not meet requirements of this rule (329 IAC 1.5-8), or if on more than one occasion one of the following had occurred:

(A) Acceptance of hazardous wastes, except as set out in 329 IAC

1.5-5-14.

(B) Open burning of refuse without efforts to extinguish the fire having been initiated prior to the inspection.

(C) Leachate flowing into a stream, lake, river, other surface water, or an aquifer without adequate control measures in operation.

(3) Appeal of denial of an operating permit renewal shall be as set out in IC 13-7-10-2.5.

(Solid Waste Management Board; 329 IAC 1.5-8-2; filed May 31, 1988, 2:42 pm)

Rule 9. Solid Waste Management; Miscellaneous

329 IAC 1.5-9-1 Exclusions

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-1-2; IC 19-2-1-2

Sec. 1. Disposal sites and operations which receive only rocks, brick, concrete or earth or any combination thereof shall be excluded from the provision of this rule (329 IAC 1.5-9). Any operation wishing to accept any other inert fill may petition the commissioner or its designated agent for exclusion from this rule (329 IAC 1.5-9). This exclusion is void if the disposal site or operation knowingly or unknowingly receives any matter other than the above, or that approved by the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-9-1; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-9-2 Complete applications

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10.1; IC 13-7-10.2

Sec. 2. An application shall not be considered complete until all of the information required by applicable sections of 329 IAC 1.5-3 through 329 IAC 1.5-6 herein has been submitted for that application. *(Solid Waste Management Board; 329 IAC 1.5-9-2; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-9-3 Inspection; reports

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-11-1

Sec. 3. The representative of the local board of health may conduct inspections of solid

waste disposal facilities. Reports of such inspection may be submitted to the commissioner. *(Solid Waste Management Board; 329 IAC 1.5-9-3; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-9-4 Other state or local permits; effect

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-1

Sec. 4. The existence of any other state or local permit shall not exclude any solid waste management facility from the provision of this rule (329 IAC 1.5-9). *(Solid Waste Management Board; 329 IAC 1.5-9-4; filed May 31, 1988, 2:42 pm)*

329 IAC 1.5-9-5 Inspection of closed operations; filing descriptions; maintenance by owner

Authority: IC 13-7-6-1; IC 19-2-1-32

Affected: IC 13-7-10-2

Sec. 5. Sanitary landfills and other disposal operations which are closed after promulgation of this rule (329 IAC 1.5-9) shall be inspected by the commissioner. Following final acceptance by the commissioner, a detailed description, including a plan, shall be recorded by the owner or operator with the county's land recording authority. The description shall include general types and location of wastes, depth of fill, and other information of interest to potential land owners. The owner or operator shall maintain surface contours, continue periodic groundwater monitoring, and exercise any necessary controls over gas or leachate produced. *(Solid Waste Management Board; 329 IAC 1.5-9-5; filed May 31, 1988, 2:42 pm)*